

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM F. JEROME,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05032-BHS-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on defendant's Stipulated Motion to remand the matter to the Commissioner for further consideration. (ECF No. 20.)

After reviewing defendant's Stipulated Motion for Remand and the relevant record, the undersigned recommends that the Court grant defendant's stipulated motion, and reverse and remand this matter to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, based on the parties' stipulation, this Court recommends that the Administrative Law Judge ("ALJ") hold a *de novo* hearing and plaintiff may raise any issue.

1 The ALJ should: (1) update the treatment evidence on plaintiff's medical condition; (2)
2 reevaluate the medical evidence of record, including the opinions of Jason Aldred, M.D., Martin
3 Kehrli, M.D., and Richard Alley, M.D., and specify the reasons for the weight given to the
4 medical opinion evidence; (3) reevaluate plaintiff's credibility; (4) reassess plaintiff's residual
5 functional capacity on the updated record, citing specific evidence in support of any assessed
6 limitations; and (5) continue the sequential evaluation process, obtaining supplemental
7 vocational expert testimony as warranted to clarify the effect of any assessed limitations on the
8 plaintiff's occupational base.

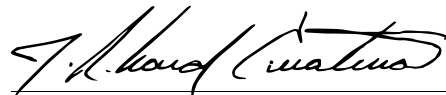
9 This Court further recommends that the ALJ take any other actions necessary to develop
10 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
11 to the ALJ on remand.

12 Following proper presentation, plaintiff may be eligible for costs and attorney's fees
13 pursuant to 28 U.S.C. §§ 1920, 2412(d) and 42 U.S.C. § 406(b).

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge
15 immediately approve this Report and Recommendation and order that the case be **REVERSED**
16 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

17 JUDGMENT should be entered for plaintiff, and the case should be closed.

18 Dated this 18th day of July, 2012.

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21 J. Richard Creatura
22 United States Magistrate Judge
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